

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

COTTRELL GREEN,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 03-611-DRH
)	
JACK TOWNLEY and GUY PIERCE,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

HERNDON, District Judge:

The Court previously construed Plaintiff's motion to reconsider (Doc. 6) as filed under Rule 60(b) of the Federal Rules of Civil Procedure, and as such that motion was denied (*see* Doc. 7). Now before the Court is Plaintiff's motion for relief from judgment (Doc. 8), purported filed under Rule 59(e) of the Federal Rules of Civil Procedure. However, a motion pursuant to Rule 59(e) must be filed "no later than 10 days after entry of the judgment," and a court "may not extend the time for taking any action under Rules 59(b), (d) and (e), 60(b)...." FED.R.CIV.P. 6(b); *see also Varhol v. National Railroad Passenger Corp.*, 909 F.2d 1557 (7th Cir. 1990); *Nugent v. Yellow Cab Co.*, 295 F.2d 794 (7th Cir.), *cert. denied*, 368 U.S. 828 (1961).

Judgment in this case was entered on May 5, 2005, and the instant motion was not filed until July 29, 2005. Therefore, this Rule 59(e) is **DENIED** as time-barred.

IT IS SO ORDERED.

DATED: August 3, 2005.

/s/ David RHerndon
DISTRICT JUDGE